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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,135	10/21/2003	Jiun Hann Sir	42P17197	4962

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EXAMINER

PHAN, THIEM D

ART UNIT PAPER NUMBER

3729

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/691,135

Applicant(s)

SIR ET AL.

Examiner

Tim Phan

Art Unit

3729

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.

**A. DEXTER TUGBANG
PRIMARY EXAMINER**

Continuation of 11:

Applicants' remarks filed on 9/22/05 traversing the restriction requirement of claims 22-32 and the rejection of claims 22-25 under USC 102 are held not to be persuasive for the following reasons:

The traversal of the restriction (Remarks, page 2-5) is on the grounds that all the Species IB1-IB4 do not have mutually exclusive characteristics as required (MPEP 806.04(f)). This is not found persuasive because the examiner has established a prima facie case, filed on 8/3/05, that the inventions of Species IB1 (Claims 23-25), Species IB2 (Claims 26, 27 & 32), Species IB3 (Claims 28-30) and Species IB4 (Claim 31) do have mutually exclusive characteristics under MPEP 806.04(f) where "one claim recites limitations which under the disclosure are found in a first species but not in second or other species, while another claim in second species recites the limitations disclosed only for the second species and not the first nor the other; and the mutually exclusive characteristics are patterned similarly in subsequent species". For instance Species IB1 has an exclusive limitation of etching the dielectric to form a volume that is an overlap section, Species IB2 has the top conductor and conductive in-well formed by same material and process, Species IB3 has the removal by laser while Species IB4 has the well width of 62-82 microns, which are all exclusively claimed for each group of Species. In accordance with MPEP § 803, the Examiner has demonstrated that the inventions of Species IB1-IB4 are each independent or distinct as claimed (filed on 8/3/05) and a serious burden would be placed on the examiner. The requirement is still deemed proper and is therefore made FINAL.

Claims 26-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) and MPEP 821.03, as being drawn to a nonelected Species.

Applicants are required to cancel these nonelected Claims (7-15) or take other appropriate action.

With respect to the traversal of the rejection of claims 22-25, applicants assert that the prior art, Bindra et al, do not teach the removing of a section of the bottom conductor to result in a via hole (Remarks, page 6 & 7; claims 22, line 6). The examiner's position, as stated in the previous action, continues to be that since Bindra et al teach a high density multilayer circuit board (Fig. 4B) having several internal circuit layers (as being claimed bottom conductors) with the via holes forming interconnecting structure that is well known as always being electrically connected to some internal, conductive layers and/or isolated from others, and the drawings provided by Bindra et al are simplified in order to clarify the invention, wherein the electrically connection or isolation between the internal layers and vias is not considered an invention's critical step, which is well known in the art.

Moreover, Bindra et al disclose as old art the connection and isolation between vias and conductive layers (Col. 1, lines 23-25) and their prior art reference, Lazzarini et al (US 4,864,722), which teaches a multilayer circuit board with a via that is also connected to some internal, conductive layer and disconnected from others (Fig. 5, 11).

Subsequent dependent claims 23-25 continue to be rejected as stated the Office Action on 3/10/05 and with the reasons above.